

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
KENNETH H. SMITH	:	VIOLATION:
	:	18 U.S.C. § 1344 (bank fraud - 1 count)
	:	

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. National Penn Bank was a financial institution with branches located within the Eastern District of Pennsylvania. Its deposits were insured by the Federal Deposit Insurance Corporation ("FDIC").
2. The Kathleen R. Harris Charitable Lead Trust was a charitable trust administered by Mellon Bank N.A.
3. The Shaheed Corporation ("Shaheed") maintained a checking account at National Penn Bank, and was owned by an individual identified here as "C.C.".
4. C.C. maintained a personal checking account at National Penn Bank.
5. Defendant KENNETH H. SMITH did not maintain any bank accounts at National Penn Bank.

6. From in or about April 2000, through in or about July 2000, in the Eastern District of Pennsylvania and elsewhere, defendant

KENNETH H. SMITH

knowingly executed and attempted to execute a scheme to defraud National Penn Bank and to obtain monies owned by and under the care, custody and control of the Bank by means of false and fraudulent pretenses, representations and promises.

THE SCHEME

It was part of the scheme that from in or about April 2000, through in or about July 2000:

7. Defendant KENNETH H. SMITH agreed with C.C. to deposit into C.C.'s Shaheed checking account at National Penn Bank, a \$145,195.78 refund check, which he knew to be stolen, issued by the Internal Revenue Service to the Kathleen R. Harris Charitable Lead Trust. The endorsement of the check by the Kathleen R. Harris Charitable Lead Trust was forged and not authorized by the Trust.

8. Defendant KENNETH H. SMITH thereafter cashed a series of checks totaling \$39,000.00, which were made payable to him, and drawn on the Shaheed checking account at National Penn Bank. He then provided this sum to C.C.

9. Defendant KENNETH H. SMITH, subsequent to the transfer of a sum of money in excess of \$500.00 into C.C.'s personal checking account at National Penn Bank from Shaheed's checking account at National Penn Bank, cashed a \$500.00 check, provided by C.C. to and made payable to defendant KENNETH H. SMITH, drawn on the personal checking account

maintained by C.C. at National Penn Bank. He then provided this sum to C.C.

10. Defendant KENNETH H. SMITH received \$1,000.00 from C.C. for his involvement in the scheme.

In violation of Title 18, United States Code, Section 1344.

PATRICK L. MEEHAN
UNITED STATES ATTORNEY